Whereas Thomas J. Lundregan has for 36 years ably and faithfully upheld the high standards and traditions of service to the United States Government; and

Whereas Thomas J. Lundregan will retire from the United States Senate on April 30, 2004, with 36 years of Service to the United States Government and 15 years Service to the United States Senate; now, therefore, be it

Resolved, That the United States Senate commends Thomas J. Lundregan for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service, and extends its very best wishes upon his retirement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas J. Lundregan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3083. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table.

SA 3084. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3085. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3086. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3087. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3088. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3089. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3090. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3091. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3093. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3094. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3095. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3096. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3097. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3098. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, supra; which was ordered to lie on the table.

SA 3099. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3100. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, supra; which was ordered to lie on the table.

SA 3101. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3102. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3103. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 150, supra; which was ordered to lie on the table.

SA 3104. Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3105. Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, supra.

SA 3106. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

TEXT OF AMENDMENTS

SA 3083. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2006.

SA 3084. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) severe economic conditions or volatility in the price of petroleum or petroleum products exist and pose a significant threat to economic stability.''.

SA 3085. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. STRATEGIC PETROLEUM RESERVE DRAWDOWN AUTHORITY.

Section 161(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)(2)) is amended—

(1) by striking ''(A) an emergency'' and inserting ''(A)(i) an emergency'';

(2) by striking ''(B) a severe'' and inserting ''(ii) a severe'';

(3) by striking ''(C) such price'' and inserting ''(iii) such price'';

(4) by striking ''economy.'' and inserting ''economy; or''; and

(5) by adding at the end the following:

''(B) there exist severe economic conditions or volatility in the price of petroleum or petroleum products that pose a significant threat to economic stability that could be mitigated by a drawdown and sale of petroleum products from the Strategic Petroleum Reserve.''.

SA 3086. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RENEWABLE PORTFOLIO STANDARD.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end of title VI the following:

''SEC. 609. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

''(A) electricity generated by a hydroelectric facility (except incremental hydropower); and

''(B) electricity generated through the incineration of municipal solid waste.

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section from solar, wind, ocean, or geothermal energy;

''(B) biomass (as defined in section 504(b)); and

''(C) landfill gas.

''(4) INCREMENTAL HYDROPOWER.—

''(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions that are—

''(i) made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date; and

''(ii) measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility; and

''(iii) certified by the Secretary or the Commission.

''(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

''(5) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after the date of enactment of this section from—

''(i) solar, wind, ocean, or geothermal energy;

''(ii) biomass (as defined in section 504(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) in the case of electric energy generated at a facility (including a distributed generation facility) placed in service before the date of enactment of this section, the additional energy above the average generation during the 3 years preceding the date of enactment of this section at the facility from—

''(i) solar, wind, ocean, or geothermal energy;

''(ii) biomass (as defined in section 504(b));

''(iii) landfill gas; or

''(iv) incremental hydropower.

''(b) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—An electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity that the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

''(2) PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

''Calendar year:	**Minimum annual percentage:**
2008 through 2011	2.5
2012 through 2015	5.0
2016 through 2019	7.5
2020 through 2030	10.0.

''(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) generating electric energy using new renewable energy or existing renewable energy;

''(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

''(C) purchasing renewable energy credits issued under subsection (c); or

''(D) a combination of the foregoing.

''(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2005, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (b)(1) to satisfy the obligations by purchasing sufficient renewable energy credits.

''(2) PROGRAM ELEMENTS.—As part of the program, the Secretary shall—

''(A) issue renewable energy credits to generators of electric energy from new renewable energy;

''(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (h)); and

''(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section.

''(3) USE OF CREDITS.—A credit under paragraph (2)(A) may be used for compliance with this section until the date that is 3 years after the date on which the credit is issued.

''(d) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—An electric utility that fails to meet the renewable energy requirements of subsection (b) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b) by the greater of—

''(A) 1.5 cents (adjusted for inflation under subsection (h)); or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (b) for reasons outside the reasonable control of the utility.

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act (42 U.S.C. 6303(d)).

''(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall establish a State renewable energy account program.

''(2) ESTABLISHMENT OF STATE RENEWABLE ENERGY ACCOUNT.—The State renewable energy account shall be held by the Secretary and shall not be transferred to the Secretary of the Treasury.

''(3) DEPOSITS.—All amounts collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited in the State renewable energy account established under this subsection.

''(4) USE OF PROCEEDS.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to State agencies responsible for developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production.

''(5) GUIDELINES AND CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this subsection.

''(6) RECORDS.—A State energy office that receives a grant under this section shall maintain such records (including evidence of compliance) as the Secretary may require.

''(7) PREFERENCE.—In allocating funds under the program, the Secretary shall give preference to—

''(A) States in regions that have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) State programs to stimulate or enhance innovative renewable energy technologies.

''(f) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations implementing this section.

''(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility that—

''(1) sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) that is located in Hawaii.

''(h) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (c)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

''(i) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) respecting renewable energy, but no such law shall relieve any person of any requirement otherwise applicable under this section.

''(2) COORDINATION.—The Secretary, in consultation with States having such a renewable energy program, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State program.

''(j) SUNSET.—This section ceases to be effective December 31, 2030.''.

SA 3087. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike the last word and insert the following:

SEC. ___. CONSUMER PASSTHROUGH.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

''SEC. 1109. CONSUMER PASSTHROUGH OF TAX SAVINGS.

''If the taxes, fees, or other charges imposed by a State or local government remitted by a provider of Internet access service for any taxable period covered by this Act are lower than such taxes, fees, or other charges would be if this Act were not law, then the provider shall reduce the amount it charges retail users of its Internet access service during the next taxable period by an aliquot amount.''.

SA 3088. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 7, strike through line 2 on page 3 and insert the following:

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

''SEC. 1108. VOIP SERVICES.

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

SA 3089. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 2, beginning with line 17, strike through line 2 on page 3 and insert the following:

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

''SEC. 1108. VOIP SERVICES.

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

SA 3090. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

SEC. . RESTORATION OF EXISTING DEFINITION OF INTERNET ACCESS.

(a) IN GENERAL.—

(1) Paragraph (3)(D) of section 1101(d) (as redesignated by section 2(b)(1) of this Act) is amended by striking the second sentence and inserting ''Such term does not include telecommunications services.''.

(2) Paragraph (5) of section 1105 (as redesignated by section 3(1) of this Act) is amended by striking the second sentence and inserting ''Such term does not include telecommunications services.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 3, 2003.

SEC. . LIMITATION ON TAXATION OF TELECOMMUNICATIONS SERVICES RELATED TO ADVANCED TELECOMMUNICATIONS CAPABILITY.

Notwithstanding any provision of the Internet Tax Freedom Act (47 U.S.C. 151 note) to the contrary (except section 1104 of that Act), no State or political subdivision thereof may impose a tax on the retail provision of advanced telecommunications, capability (as defined in section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note)) to consumers during the period specified in section 1101(a) of that Act.

SEC. . VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

''SEC. 1108. VOIP SERVICES.

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

SEC. . GRANDFATHERING OF EXISTING TAXES.

(a) IN GENERAL.—Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

''SEC. 1104. EXCEPTIONS FOR CERTAIN TAXES.

''(a) PRE-OCTOBER, 1998, TAXES.—Section 1101(a) does not apply to a tax on Internet access (as that term was defined in section 1104(5) of this Act as that section was in effect on the day before the date of enactment of the Internet Tax Ban Extension and Improvement Act) that was generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

''(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

''(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.

''(b) TAXES ON TELECOMMUNICATIONS SERVICES.—Section 1101(a) does not apply to a tax on Internet access that was generally imposed and actually enforced as of November 1, 2003, if, as of that date, the tax was authorized by statute and either—

''(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

''(2) a State or political subdivision thereof generally collected such tax on charges for Internet access service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 3, 2003.

SA 3091. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

The Clean Air Act (42 U.S.C. 1701 et seq.) is amended by adding at the end the following:

''TITLE VII—GREENHOUSE GAS EMISSIONS

''SEC. 701. DEFINITIONS.

''In this title:

''(1) COVERED ENTITY.—The term 'covered entity' means an entity that emits more than a threshold quantity of greenhouse gas emissions.

''(2) DIRECT EMISSIONS.—The term 'direct emissions' means greenhouse gas emissions from a source that is owned or controlled by an entity.

''(3) ENTITY.—The term 'entity' includes a firm, a corporation, an association, a partnership, and a Federal agency.

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(5) GREENHOUSE GAS EMISSIONS.—The term 'greenhouse gas emissions' means emissions of a greenhouse gas, including—

''(A) stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

''(B) process emissions, which consist of emissions from chemical or physical processes other than combustion;

''(C) fugitive emissions, which consist of intentional and unintentional emissions from—

''(i) equipment leaks such as joints, seals, packing, and gaskets; and

''(ii) piles, pits, cooling towers, and other similar sources; and

''(D) mobile source emissions, which are emitted as a result of combustion of fuels in transportation equipment such as automobiles, trucks, trains, airplanes, and vessels.

''(6) GREENHOUSE GAS EMISSIONS RECORD.—The term 'greenhouse gas emissions record' means all of the historical greenhouse gas emissions and project reduction data submitted by an entity under this title, including any adjustments to such data under section 704(c).

''(7) GREENHOUSE GAS REPORT.—The term 'greenhouse gas report' means an annual list of the greenhouse gas emissions of an entity and the sources of those emissions.

''(8) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from sources owned or controlled by another entity.

''(9) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—The term 'national greenhouse gas emissions information system' means the information system established under section 702(a).

''(10) NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.—The term 'national greenhouse gas emissions inventory' means the national inventory of greenhouse gas emissions established under section 705.

''(11) NATIONAL GREENHOUSE GAS REGISTRY.—The term 'national greenhouse gas registry' means the national greenhouse gas registry established under section 703(a).

''(12) PROJECT REDUCTION.—The term 'project reduction' means—

''(A) a greenhouse gas emission reduction achieved by carrying out a greenhouse gas emission reduction project; and

''(B) sequestration achieved by carrying out a sequestration project.

''(13) REPORTING ENTITY.—The term 'reporting entity' means an entity that reports to the Administrator under subsection (a) or (b) of section 704.

''(14) SEQUESTRATION.—The term 'sequestration' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

''(15) THRESHOLD QUANTITY.—The term 'threshold quantity' means a threshold quantity for mandatory greenhouse gas reporting established by the Administrator under section 704(a)(3).

''(16) VERIFICATION.—The term 'verification' means the objective and independent assessment of whether a greenhouse gas report submitted by a reporting entity accurately reflects the greenhouse gas impact of the reporting entity.

''SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas emissions information system to collect information reported under section 704(a).

''(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Congress a draft design of the national greenhouse gas emissions information system.

''(c) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas emissions information system through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(d) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the extent practicable, the Administrator shall ensure coordination between the national greenhouse gas emissions information system and existing and developing Federal, regional, and State greenhouse gas registries.

''(e) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national greenhouse gas emissions information system with other environmental information managed by the Administrator.

''SEC. 703. NATIONAL GREENHOUSE GAS REGISTRY.

''(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas registry to collect information reported under section 704(b).

''(b) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas registry through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

''(c) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the maximum extent feasible and practicable, the Administrator shall ensure coordination between the national greenhouse gas registry and existing and developing Federal, regional, and State greenhouse gas registries.

''(d) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the maximum extent practicable, the Administrator shall integrate all information in the national greenhouse gas registry with other environmental information collected by the Administrator.

''SEC. 704. REPORTING.

''(a) MANDATORY REPORTING TO NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—

''(1) INITIAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2005, in accordance with this paragraph and the regulations promulgated under section 706(e)(1), each covered entity shall submit to the Administrator, for inclusion in the national greenhouse gas emissions information system, the greenhouse gas report of the covered entity with respect to—

''(i) calendar year 2004; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A)—

''(i) shall include estimates of direct stationary combustion source emissions;

''(ii) shall express greenhouse gas emissions in metric tons of the carbon dioxide equivalent of each greenhouse gas emitted;

''(iii) shall specify the sources of greenhouse gas emissions that are included in the greenhouse gas report;

''(iv) shall be reported on an entity-wide basis and on a facility-wide basis; and

''(v) to the maximum extent practicable, shall be reported electronically to the Administrator in such form as the Administrator may require.

''(C) METHOD OF REPORTING OF ENTITY-WIDE EMISSIONS.—Under subparagraph (B)(iv), entity-wide emissions shall be reported on the bases of financial control and equity share in a manner consistent with the financial reporting practices of the covered entity.

''(2) FINAL REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than April 30, 2006, and each April 30 thereafter (except as provided in subparagraph (B)(vii)), in accordance with this paragraph and the regulations promulgated under section 706(e)(2), each covered entity shall submit to the Administrator the greenhouse gas report of the covered entity with respect to—

''(i) the preceding calendar year; and

''(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

''(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A) shall include—

''(i) the required elements specified in paragraph (1);

''(ii) estimates of indirect emissions from imported electricity, heat, and steam;

''(iii) estimates of process emissions described in section 701(5)(B);

''(iv) estimates of fugitive emissions described in section 701(5)(C);

''(v) estimates of mobile source emissions described in section 701(5)(D), in such form as the Administrator may require;

''(vi) in the case of a covered entity that is a forest product entity, estimates of direct stationary source emissions, including emissions resulting from combustion of biomass;

''(vii) in the case of a covered entity that owns more than 250,000 acres of timberland, estimates, by State, of the timber and carbon stocks of the covered entity, which estimates shall be updated every 5 years; and

''(viii) a description of any adjustments to the greenhouse gas emissions record of the covered entity under subsection (c).

''(3) ESTABLISHMENT OF THRESHOLD QUANTITIES.—For the purpose of reporting under this subsection, the Administrator shall establish threshold quantities of emissions for each combination of a source and a greenhouse gas that is subject to the mandatory reporting requirements under this subsection.

''(b) VOLUNTARY REPORTING TO NATIONAL GREENHOUSE GAS REGISTRY.—

''(1) IN GENERAL.—Not later than April 30, 2005, and each April 30 thereafter, in accordance with this subsection and the regulations promulgated under section 706(f), an entity may voluntarily report to the Administrator, for inclusion in the national greenhouse gas registry, with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

''(A) project reductions;

''(B) transfers of project reductions to and from any other entity;

''(C) project reductions and transfers of project reductions outside the United States;

''(D) indirect emissions that are not required to be reported under subsection (a)(2)(B)(ii) (such as product transport, waste disposal, product substitution, travel, and employee commuting); and

''(E) product use phase emissions.

''(2) TYPES OF ACTIVITIES.—Under paragraph (1), an entity may report activities that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

''(A) fuel switching;

''(B) energy efficiency improvements;

''(C) use of renewable energy;

''(D) use of combined heat and power systems;

''(E) management of cropland, grassland, and grazing land;

''(F) forestry activities that increase carbon stocks;

''(G) carbon capture and storage;

''(H) methane recovery; and

''(I) carbon offset investments.

''(c) ADJUSTMENT FACTORS.—

''(1) IN GENERAL.—Each reporting entity shall adjust the greenhouse gas emissions record of the reporting entity in accordance with this subsection.

''(2) SIGNIFICANT STRUCTURAL CHANGES.—

''(A) IN GENERAL.—A reporting entity that experiences a significant structural change in the organization of the reporting entity (such as a merger, major acquisition, or divestiture) shall adjust its greenhouse gas emissions record for preceding years so as to maintain year-to-year comparability.

''(B) MID-YEAR CHANGES.—In the case of a reporting entity that experiences a significant structural change described in subparagraph (A) during the middle of a year, the greenhouse gas emissions record of the reporting entity for preceding years shall be adjusted on a pro-rata basis.

''(3) CALCULATION CHANGES AND ERRORS.—The greenhouse gas emissions record of a reporting entity for preceding years shall be adjusted for—

''(A) changes in calculation methodologies; or

''(B) errors that significantly affect the quantity of greenhouse gases in the greenhouse gas emissions record.

''(4) ORGANIZATIONAL GROWTH OR DECLINE.—The greenhouse gas emissions record of a reporting entity for preceding years shall not be adjusted for any organizational growth or decline of the reporting entity such as—

''(A) an increase or decrease in production output;

''(B) a change in product mix;

''(C) a plant closure; and

''(D) the opening of a new plant.

''(5) EXPLANATIONS OF ADJUSTMENTS.—A reporting entity shall explain, in a statement included in the greenhouse gas report of the reporting entity for a year—

''(A) any significant adjustment in the greenhouse gas emissions record of the reporting entity; and

''(B) any significant change between the greenhouse gas emissions record for the preceding year and the greenhouse gas emissions reported for the current year.

''(d) QUANTIFICATION AND VERIFICATION PROTOCOLS AND TOOLS.—

''(1) IN GENERAL.—The Administrator and the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly work with the States, the private sector, and nongovernmental organizations to develop—

''(A) protocols for quantification and verification of greenhouse gas emissions;

''(B) electronic methods for quantification and reporting of greenhouse gas emissions; and

''(C) greenhouse gas accounting and reporting standards.

''(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practice protocols that have the greatest support of experts in the field.

''(3) INCORPORATION INTO REGULATIONS.—The Administrator shall incorporate the protocols developed under paragraph (1)(A) into the regulations promulgated under section 706.

''(4) OUTREACH PROGRAM.—The Administrator, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

''(e) VERIFICATION.—

''(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Administrator to verify, in accordance with greenhouse gas accounting and reporting standards developed under subsection (d)(1)(C), that the greenhouse gas report of the reporting entity—

''(A) has been accurately reported; and

''(B) in the case of each project reduction, represents actual reductions in greenhouse gas emissions or actual increases in net sequestration, as applicable.

''(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

''(A) obtain independent third-party verification; and

''(B) present the results of the third-party verification to the Administrator for consideration by the Administrator in carrying out paragraph (1).

''(f) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against a covered entity that fails to comply with subsection (a), or a regulation promulgated under section 706(e), to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

''SEC. 705. NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.

''Not later than April 30, 2005, and each April 30 thereafter, the Administrator shall publish a national greenhouse gas emissions inventory that includes—

''(1) comprehensive estimates of the quantity of United States greenhouse gas emissions for the second preceding calendar year, including—

''(A) for each greenhouse gas, an estimate of the quantity of emissions contributed by each key source category;

''(B) a detailed analysis of trends in the quantity, composition, and sources of United States greenhouse gas emissions; and

''(C) a detailed explanation of the methodology used in developing the national greenhouse gas emissions inventory; and

''(2) a detailed analysis of the information reported to the national greenhouse gas emissions information system and the national greenhouse gas registry.

''SEC. 706. REGULATIONS.

''(a) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out this title.

''(b) BEST PRACTICES.—In developing regulations under this section, the Administrator shall seek to leverage leading protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions.

''(c) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas emissions information system.

''(d) NATIONAL GREENHOUSE GAS REGISTRY.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas registry.

''(e) MANDATORY REPORTING REQUIREMENTS.—

''(1) INITIAL REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the initial mandatory reporting requirements under section 704(a)(1).

''(2) FINAL REPORTING REQUIREMENTS.—Not later than January 31, 2006, the Administrator shall promulgate such regulations as are necessary to implement the final mandatory reporting requirements under section 704(a)(2).

''(f) VOLUNTARY REPORTING PROVISIONS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations and issue such guidance as are necessary to implement the voluntary reporting provisions under section 704(b).

''(g) ADJUSTMENT FACTORS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the adjustment factors under section 704(c).''.

SA 3092. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax

Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 25 and all that follows through page 5, line 11, and insert the following:

''(A) IN GENERAL.—

''(i) REGULATIONS.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall promulgate regulations to ensure that gasoline sold or introduced into commerce in the United States (except in Petroleum Administration for Defense Districts I, IV, and V), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with subparagraph (B).

''(II) ELECTION BY GOVERNOR.—Notwithstanding subclause (I), the Governor of a State in Petroleum Administration for Defense District I, IV, or IV may elect to be subject to the regulations promulgated under subclause (I) by notifying the Administrator in writing.

''(ii) CONTENTS.—Regardless of the date of promulgation, the regulations—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; but

''(II) shall not—

''(aa) restrict cases in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

SA 3093. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 45, strike line 24 and all that follows through page 46, line 7, and insert the following:

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect—

(A) in the case of a State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)), beginning on the date of enactment of this Act;

(B) in the case of a State that, before the date of enactment of this Act, enacts a law prohibiting the sale of motor vehicle fuel containing methyl tertiary butyl ether that is to take effect earlier than the date specified in subparagraph (C), beginning on the date that the prohibition under State law takes effect; and

(C) in the case of any other State, beginning 270 days after the date of enactment of this Act.

SA 3094. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 21 and all that follows through page 3, line 9, and insert the following:

''(B) RENEWABLE FUEL.—

''(i) IN GENERAL.—The term 'renewable fuel' means—

''(I) motor vehicle fuel that—

''(aa)(AA) is produced from grain, starch, oilseeds, or other biomass; or

''(BB) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

''(bb) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle; and

''(II) a clean alternative fuel described in section 249(c)(2) that is used in any State.

SA 3095. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 19 and all that follows through page 12, line 13.

SA 3096. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 46, line 3, insert ''and in the State of New York'' before the comma.

SA 3097. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 3, between lines 16 and 17, insert the following:

''(iii) IDENTIFICATION OF RENEWABLE FUELS BY THE SECRETARY OF ENERGY AND THE ADMINISTRATOR.—

''(I) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary of Energy and the Administrator shall jointly determine which fuels meet the definition of renewable fuel under this paragraph.

''(II) REQUIREMENT.—To meet the definition of renewable fuel, the energy inputs of a fuel shall be less than the energy outputs of the fuel.

''(III) ENERGY INPUTS.—For the purposes of subclause (ii), energy inputs include—

''(aa) the production of fertilizer or seed;

''(bb) the use of gasoline, diesel fuel, or electricity;

''(cc) ground transportation of harvested corn;

''(dd) inputs to the production of capital equipment, including farm machinery and ethanol equipment; and

''(ee) energy for irrigation.

SA 3098. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 3050 proposed by Mr. DASCHLE (for himself, Mr. DURBIN, and Mr. JOHNSON) to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 24 and all that follows through page 6, line 15, and insert the following:

''(A) IN GENERAL.—

''(i) REGULATIONS.—Not later than 1 year after the enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B).

''(ii) CONTENTS.—Regardless of the date of promulgation, the regulations—

''(I) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this section are met; and

''(II) shall provide that no refiner or blender shall purchase renewable fuel from a producer that—

''(aa) in any civil or criminal administrative or judicial proceeding, has been found to have engaged in price fixing or any other form of market manipulation in violation of the antitrust laws; and

''(bb) is identified in a list published jointly by the Administrator and the Attorney General, including publication on the Internet; but

''(III) shall not—

''(aa) restrict cases in which renewable fuel may be used; or

''(bb) impose any per-gallon obligation for the use of renewable fuel.

''(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (4), on a volume percentage of gasoline basis, shall be 2.2 in 2005.

SA 3099. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3080 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 7, strike ''May 31,'' and insert ''November 1,''.

SA 3100. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3081 submitted by Mr. ENZI and intended to be proposed to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

On page 1, line 6, strike ''June 1,'' and insert ''November 1,''.

SA 3101. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8. VOIP SERVICES.

Section 1108 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as added by section 6, is amended to read as follows:

''SEC. 1108. VOIP SERVICES.

''Section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

SA 3102. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''SEC. 1108. VOIP SERVICES.

''Notwithstanding any provision of this Act to the contrary, section 1101(a) shall not apply to the imposition or collection of any tax, fee, or charge on a service advertised or offered to consumers for the provision of realtime voice telecommunications (as the term 'telecommunications' is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) regardless of whether such service employs circuit-switched technology, packet-switched technology, or any successor technology or transmission protocol.''.

SA 3103. Mr. DURBIN submitted an amendment intended to be proposed by him to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. ADDITIONAL EXCEPTION TO MORATORIUM.

Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note), as amended by section 2 of this Act, is further amended by adding at the end the following:

''(f) ADDITIONAL EXCEPTION.—Subsection (a) shall also not apply with respect to an Internet access provider for any taxable period unless the provider reduces the amount it charges each retail user of its Internet access service during that taxable period by an amount that reflects, on a per-subscriber basis, the amount by which—

''(1) the taxes on Internet access the Internet access provider would have paid or incurred for that taxable period under any State or local government tax law that was in effect on October 31, 2003; exceeds

''(2) the taxes on Internet access actually paid or incurred by the Internet access provider for that taxable period.''.

SA 3104. Mr. MCCAIN (for Mr. LAUTENBERG) proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

At the appropriate place, insert the following:

SEC. ——. GAO STUDY OF EFFECTS OF INTERNET TAX MORATORIUM ON STATE AND LOCAL GOVERNMENTS AND ON BROADBAND DEPLOYMENT.

The Comptroller General shall conduct a study of the impact of the Internet tax moratorium, including its effects on the revenues of State and local governments and on the deployment and adoption of broadband technologies for Internet access throughout the United States, including the impact of the Internet Tax Freedom Act (47 U.S.C. 151 note) on build-out of broadband technology resources in rural under served areas of the country. The study shall compare deployment and adoption rates in States that tax broadband Internet access service with States that do not tax such service, and take into account other factors to determine whether the Internet Tax Freedom Act has had an impact on the deployment or adoption of broadband Internet access services. The Comptroller General shall report the findings, conclusions, and any recommendations from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce no later than November 1, 2005.

SA 3105. Mr. MCCAIN proposed an amendment to amendment SA 3048 proposed by Mr. MCCAIN to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; as follows:

On page 8 strike lines 1 through 9 and insert the following:

''SEC. 1108. EXCEPTION FOR VOICE SERVICES OVER THE INTERNET.

''Nothing in this Act shall be construed to affect the imposition of tax on a charge for voice or similar service utilizing Internet Protocol or any successor protocol. This section shall not apply to any services that are incidental to Internet access, such as voice-capable e-mail or instant messaging''.

SA 3106. Mr. FRIST (for Ms. SNOWE) proposed an amendment to the bill S. 2267, to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; as follows:

On page 2, strike lines 9 through 14, and insert the following:

''(ii) from the funds reserved under paragraph (4)(A), not more than $125,000 to each eligible women's business center established under subsection (l); and''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 10 a.m., to conduct a hearing on ''Counter-Terror Initiatives and Concerns in the Terror Finance Program.''

Concurrent with the hearing, the Committee intends to vote on the nominations of the Hon. Romolo A. (Roy) Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development; Mr. Dennis C. Shea, of Virginia, to be Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; and Ms. Cathy M. MacFarlane, of Virginia, to be Assistant Secretary for Public Affairs, Department of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29, 2004, at 2:30 p.m., to hold a hearing on Middle East Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 29, 2004, at 10 a.m. to consider the nomination of Dawn Tisdale to be Commissioner, U.S. Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, April 29, 2004, immediately following a 10 a.m. nominations hearing, to consider the nominations of David Safavian to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 29, 2004, at 10 am., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2301, a discussion draft bill to improve the management of Native American fish and wildlife and gathering, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.